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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,839	02/08/2001	Clay H. Fisher	50N3700.01/1583	8517
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Gregory J. Koerner Redwood Patent Law 1291 East Hillsdale Boulevard Suite 205 Foster City, CA 94404			EXAMINER JERABEK, KELLY L	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 04/16/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/780,839

**Applicant(s)**

FISHER ET AL.

**Examiner**

KELLY L. JERABEK

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-24 and 26-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3, 4, 6-17, 19-21, 23, 24, 26-37, 39 and 40 is/are allowed.
- 6) ☒ Claim(s) 18 and 38 is/are rejected.
- 7) ☒ Claim(s) 2 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date: \_\_\_\_\_
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 3/17/2008 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 18 and 38 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

Claims 2 and 22 are objected to because of the following informalities: Claims 2 and 22 are dependent claims of claims 1 and 21 respectively. Claims 1 and 21 disclose

that the peripheral device is implemented as a low-cost digital camera with minimal local memory. However, dependent claims 2 and 22 disclose that the peripheral device includes one of a digital camera, an imaging device, a computer device, an audio device and a portable electronic device. Therefore, dependent claims 2 and 22 are not in accordance with claims 1 and 21 because the peripheral device has already been disclosed as a low-cost digital camera with minimal local memory in independent claims 1 and 21. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 18 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. in view of Ishikawa et al. US 6,526,516.**

Re claims 18 and 38, Miller discloses a system for managing content information, comprising: peripheral devices (2A-2N) configured to capture content information (digital image data); and an image hub (20) configured to transfer the content information (digital image data) from the peripheral devices (2A-2N) to data destinations

(40A-40N) from which a system user accesses the content information (digital image data) (col. 10, lines 1-59; col. 12, lines 51-67; figs. 1-4). Miller also states that the peripheral devices may include digital cameras that communicate digital images to the image hub (20) (col. 10, lines 53-59). Miller states that the only means of transferring content information (digital image data) from peripheral devices (2A-2N) to a data destination (40A – 40N) to be accessed and utilized by a system user is through image hub (20) via connections (10,30; figs. 1, 4) (col. 10, lines 1-52). Thus it can be seen that Miller discloses peripheral devices (2A-2N) having a transfer capability to transfer said content information (digital images) only to said image hub (20). Additionally, terminals (40A-40N) include hardware and software to perform the communication operations (col. 10, lines 30-52). Therefore, a computer readable medium comprising program instructions for managing content information is disclosed. Miller further states that states that the peripheral devices (2A-2N) are connected to the image hub (20) in order to download image data to the image hub (20) for processing (col. 10, lines 1-52; col. 12, lines 51-67). In addition, Miller states that an application software program in the image hub (20) determines management functions for handling the image information (col. 10, lines 20-52; col. 12, lines 51-67). Also, Miller states that image management functions include an image selection function in which an image selection manager in said image hub (20) permits said system user to select and order one or more images from said content information (digital image data) by using said image hub (20) (col. 12, line 51 – col. 13, line 12). However, although the Miller reference discloses all of the

above limitations it fails to specifically disclose a data editing function in which an editing module in the image hub modifies the downloaded content information.

Ishikawa discloses an editing device connected to a digital camera for editing image information prior to printing based upon instructions from a user. Ishikawa discloses a camera device (109) configured to capture information, an image hub (editor 139 ) configured to transfer content information (image information) from the camera device (109) to a data destination (printer 117) (col. 7, line 65- col. 8, line 28; figures 5A-6). Ishikawa further states that the image hub (editor 139) includes an editing module for performing a data editing function which the content information (image information) received from the camera (109) is edited in order to modify the image data prior to printing (col. 7, line 65-col. 8, line 28). Therefore, it would have been obvious for one skilled in the art to have been motivated to include an editing module for performing a data editing function as disclosed by Ishikawa in the image hub of the system disclosed by Miller. Doing so would provide a means for allowing image data to be edited and modified at the image hub prior to sending the information to remote destinations such as printers or image displays.

***Allowable Subject Matter***

**Claims 1, 3-4, 6-17, 19-21, 23-24, 26-37 and 39-40 are allowed.**

The following is an examiner's statement of reasons for allowance:

Re claims 1, 3-4, 6-16 and 19-20 the prior art fails to teach or suggest, "A system for managing content information, comprising: a peripheral device configured to capture said content information; and an image hub configured to transfer said content information from said peripheral device to a data destination from which a system user selectively accesses said content information, **said peripheral device having a transfer capability to transfer said content information only to said image hub, said peripheral device being implemented as a low-cost digital camera with minimal local memory and limited processing capabilities, said image hub providing a sole power source for recharging a power supply in said peripheral device, said image hub also providing a sole transfer means for downloading said content information from said peripheral device**".

Re claims 21, 23-24, 26-36 and 39-40 the prior art fails to teach or suggest, "A method for managing content information, comprising the steps of: capturing said content information with a peripheral device; utilizing an image hub to transfer said content information from said peripheral device to a data destination, **said peripheral device having a transfer capability to transfer said content information only to said image hub; and accessing said content information from said data destination by a system user, said peripheral device being implemented as a low-cost digital camera with minimal local memory and limited processing capabilities, said image hub providing a sole power source for recharging a**

**power supply in said peripheral device, said image hub also providing a sole transfer means for downloading said content information from said peripheral device”.**

Re claims 17 and 37, the prior art fails to teach or suggest, “A system and a method for managing content information, comprising: a camera device configured to capture said content information; and an image hub configured to transfer said content information from said camera device to a data destination from which a system user selectively accesses said content information, said camera device having a transfer capability to transfer said content information only to said image hub, said system user connecting said camera device to said image hub, a download manager in said image hub responsively detecting a content-information download event, said download manager accessing and transferring said content information from said camera device to said image hub in response to detecting said content-information download event, an application software program in said image hub determining one or more appropriate image management functions for handling said content information, said one or more appropriate image management functions including a data routing function performed by an upload manager in said image hub for transferring said content information from said image hub to said data destination, said upload manager performing said data routing function using at least one of a wireless communications data transfer and a hard-wired network data transfer, **said data routing function being selected from recognizing and routing said content information based upon a camera**



**identification parameter that is programmed into said camera device and detected by said upload manager, marking said content information with an image identifier tag that is recognized and utilized by either said image hub or said data destination to subsequently provide said content information to said system user, routing said content information to said data destination based upon a hub identifier value corresponding to said image hub, and routing said content information to said data destination based upon destination information entered into said image hub by said system user or by a system operator".**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached at **(571) 272-7372**. The fax phone number for submitting all Official communications is **(571) 273-7300**. The fax phone number for

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submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kelly L. Jerabek/

Examiner, Art Unit 2622

/James M Hannett/

Primary Examiner, Art Unit 2622